

**Minutes for the Seminole County Land Planning Agency/  
Planning and Zoning Commission  
October 6, 2004  
7:00 P.M.**

**Members present:** Ben Tucker, Beth Hattaway, Chris Dorworth, Richard Harris, Walt Eismann and Dudley Bates

**Member absent:** Alan Peltz

**Also present:** Tony Walter, Assistant Planning Manager; Rebecca Hammock, Principal Planner; Jeff Hopper, Senior Planner; Tina Deater, Senior Planner; Matt West, Planning Manager; Stephen Lee, Deputy County Attorney; Kim Romano, Assistant County Attorney; Liz Block, Environmental Services; Jim Potter, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant

The meeting was called to order at 7 P.M. The Chairman explained the manner in which the meeting is conducted and how voting is accomplished. A quorum was established.

**Commissioner Bates made a motion to accept the proof of publication.**

**Commissioner Dorworth seconded the motion.**

**The motion passed unanimously (6 – 0).**

Commissioner Hattaway stated that she wished to have the September 15, 2004 minutes to reflect the fact that she did not receive notification for the meeting in time to attend. The meeting had been rescheduled following the hurricane.

**Commissioner Dorworth made a motion to accept the minutes with the above amendment.**

**Commissioner Bates seconded the motion.**

**The motion passed unanimously.**

**Technical Review Items:**

**A. Arias Subdivision (PSP); Norberto Arias, applicant; approximately 4 acres; Preliminary Subdivision approval for 11 Lots, Single Family Residence, zoned A-1; located at 3427 Dike Road. (04-05500021)**

Commissioner Maloy – District 1  
Rebecca Hammock, Principal Planner

Rebecca Hammock stated that the west side of the subject property has a 230 foot wide transmission right of way which needs a Progress Energy right of way use permit.

The subdivision will contain 12 lots with a minimum lot size of 8,400 square feet, have Seminole County water and sewer, and have a public internal road. Staff recommends approval of the request, subject to the applicant obtaining a right of way use permit from Progress Energy.

Commissioner Tucker asked who had the right of way.

Ms. Hammock stated that the applicant is the underlying land owner and that the easement was for Progress Energy. Progress Energy wants to see the final engineering plans before they will give final sign off.

Ms. Hammock further stated that this is a replat of the Strickland Subdivision which had been previously approved with 4 lots. The plan being shown tonight has 12 lots and is in a new configuration.

Commissioner Tucker stated that he did not recommend enforcing rights of way issues between a power company and private individuals. It would be similar to enforcing deed restrictions.

Stephen Lee was asked about the PSP approval being based on the approval of the power easement. If it does not interfere with access, why should government interfere?

Mr. Lee said that this is similar to a vacate of an easement. It is different in that the easement has outstanding rights.

Rebecca Hammock said that she could withdraw the condition if the Commissioner preferred.

Mr. Lee stated that there have been other examples of easements being worked into approval of zoning.

**Commissioner Tucker made a motion to approve the PSP, with the removal of the stipulation concerning the easement.**

**Commissioner Dorworth seconded the motion.**

**The motion passed unanimously.**

**B. Myrtle Street Subdivision (PSP); CPH Engineers, Inc., applicant; approximately 28.74 acres; Preliminary Subdivision Plan approval for 48 Lots,**

Single Family Residential, zoned A-1 (Agriculture District) – 1435 Myrtle Street, Sanford, Fl. (04-05500026)

Commissioner McLain – District 5  
Rebecca Hammock, Principal Planner

Rebecca Hammock stated that this plan shows two amended features which had been changed at the request of the Board of County Commissioners: a) the recreation area previously located near the entrance of the subdivision has been moved to an interior location and b) the trail running along Myrtle Street will be connected to the external trail to run along Lanark Street by an internal trail.

The subdivision will have 48 lots ranging in size from 7,800 square feet to 12,542 square feet. Water and sewer will be provided by Seminole County. The roads shall be private. No waivers are requested.

Ms. Hammock stated that staff recommends approval with the 7 stipulations in the staff report plus the two stipulations specified by the Board of County Commissioners, which are reflected in the new plan shown here: a) the movement of the recreation area to the internal position shown on the plan and b) that the external recreation trail running along Myrtle Street be connected to the proposed external trail to run along Lanark Street by an internal trail.

Commissioner Tucker stated that the tot lot was to be placed in the back of the subdivision as per the recommendation of the Homeowner's Association; it was placed up front in the subdivision for safety reasons. It was to be in view of as many people as possible.

Ms. Hammock stated that the change was at the direction of the BCC.

**Commissioner Tucker made a motion to recommend approval with the change to the location of the recreation to be located near the front of the subdivision, rather than to be placed internal to the subdivision. This is based on planning criteria discussed at the Land Planning Agency/Planning and Zoning meeting.**

**Commissioner Dorworth seconded the motion.**

Stephen Lee pointed out that the recreation area was moved at the request of the BCC.

Commissioner Eismann stated that he had seen the BCC meeting in which this item was discussed. The Commission had moved the recreation area with the

point of view that the location in the back of the subdivision would be safer than up near the entrance and road. The access to the trail was to be gated as well.

Commissioner Dorworth asked the staff why being near a road was safer.

Tony Walter stated that the idea was that as many people as possible should be able to observe the play area, and that the internal placement would expose the play area to 5 houses. We did talk about buffering along Myrtle Street. The safety is addressed by lighting. In the back the area will not be buffered and will be visible to people. Crime Prevention Through Environmental Design (CPTED) standards call for the area to be placed up front, lighted and visible to as many people as possible.

Commissioner Hattaway stated that if the area is heavily buffered the lot will not be visible.

Commissioner Harris stated that that is was on the basis of the recommendation of staff that the lot was to be placed in the front of the subdivision.

Commissioner Tucker concurred.

Commissioner Dorworth asked the applicant what they remembered about the placement.

Michele Tanner of CPH Engineers, 1117 E. Robinson Street, Orlando, spoke on behalf of the applicant. She stated that, as a planner, she felt that both placements were equally safe. At the front entrance, there would be a large buffer. In the back it would be visible to many homes. We have been working on redesigning the plan to submit this Friday to get BCC approval.

**Commissioner Dorworth withdrew his second to the previously stated motion.**

**The motion failed for lack of a second.**

**Commissioner Dorworth made a motion to recommend approval as submitted.**

**Commissioner Bates seconded the motion.**

**The vote was 5 -1 in favor of the motion.** Commissioner Tucker voted "nay."

**C. Lakeview Estates (PSP); PBS&J applicants;** approximately 1.34 acres; preliminary subdivision plan approval for 37 lots zoned PUD (Planned Unit Development); located on Banana Lake Road.

Commissioner Maloy – District 1  
Cynthia Sweet, Planner

Cynthia Sweet stated that the project will have 37 single family residential lots located on the west side of AAA Boulevard. All roads will be private and will share an entry with Lakeview at Heathrow. Ms. Sweet stated that the Preliminary Site Plan meets all conditions of the Land Development Code. Staff recommendation is for approval.

There were no questions from the Commissioners.

**Commissioner Dorworth made a motion to recommend approval as presented.**

**Commissioner Hattaway seconded the motion.**

**The motion passed unanimously.**

**D. Hidden Creek (PSP); Hugh Harling;** approximately 18.16 acres; preliminary subdivision approval for 29 Lots, Single Family residence, zoned R-1AAA; located on the east side of Hester Avenue, ¼ mile south of CR 427.

Commissioner McLain – District 5  
Michael Rumer, Planner

Ms. Hammock introduced the applicant's request for approval of a Preliminary Subdivision Plan for a 29 lot single family residential subdivision called Hidden Creek, located on the east side of Hester Avenue, ¼ mile south of CR 427 in Sections 23, Township 20, and Range 30. The applicant, Hugh Harling, is requesting preliminary subdivision plan approval for 29 single family lots on 18.66 acres zoned R-1AAA. Lots within the development are a minimum of 100 feet in width and the typical lot size will be over 13,500 square feet.

The project will connect to Seminole County utilities for water and sewer. The internal roads will be private. No waivers have been requested for this project. Ms. Hammock stated that Staff recommends approval of the Preliminary Subdivision plan for Hidden Creek.

**Commissioner Hattaway made a motion to recommend approval.**

**Commissioner Bates seconded the motion.**

**The motion passed unanimously.**

**Public Hearing Items:**

**E. Heathrow International Business Center; Shutts & Bowen LLP, applicant; approximately 436.7 acres; Major Amendment to the Heathrow International Business Center PUD Master Plan; approximately bounded by CR 46A, Interstate 4, Lake Mary Boulevard, and Banana Lake Road. (Z2004-029)**

Commissioner McLain – District 5  
Tina Deater, Senior Planner

Ms. Deater stated that the entire Heathrow International Business Center is approximately 407.1 acres, and is approximately bounded by CR 46A, Interstate 4, Lake Mary Boulevard, and Banana Lake Road.

The Heathrow International Business Center PUD was originally approved on October 20, 1988. A portion of the PUD is within unincorporated Seminole County and a portion is within the City of Lake Mary. At this time, the applicant is requesting approval of a Major Amendment to the Heathrow International Business Center PUD, consisting of the following changes:

1. Changing the name of the PUD from Heathrow International Business Center to Colonial Center Heathrow,
2. Changing the use designations of Tract “D” and Tract “O” from office to multi-family, and Tract “P” from office to multi-family and office (Tract “D” is entirely within the City of Lake Mary and is proposed to be built as town homes, Tracts “O” and “P” are within Seminole County, approximately 15 acres are proposed to be changed from office to multi-family within the County),
3. Increasing the total number of multi-family units allowed in the PUD from 313 units to 768 units (an increase of 455 units, of which 300 apartment units are proposed within the County and 155 townhouse units are proposed within the City of Lake Mary ),
4. Allowing the future conversion of land uses within the PUD utilizing the existing conversion matrix in the Second Amendment to Third Amended and Restated Development Order for the Heathrow International Business Center Development of Regional Impact to achieve a maximum of 1400 multi-family units in the future (a potential increase of 819 units more than the 581 currently allowed),

5. Decreasing the amount of approved office space from 2,984,000 square feet to 2,759,000 square feet (a decrease of 225,000 square feet).

Staff has reviewed the requested PUD amendment for compliance with the compatibility standards of the Vision 2020 Comprehensive Plan and based upon the findings detailed in the staff report, we believe that the proposed multi-family uses are compatible with the surrounding land uses.

However, the proposed project is also undergoing a Development of Regional Impact (DRI) Notice of Proposed Change (NOPC) and we have received a formal objection from the school board on this project based upon capacity issues, and objections from the regional planning council, the water management district and the Department of Community Affairs relating to school capacity and potable water capacity. These agencies have stated that the applicants have not sufficiently demonstrated that the proposed changes to the DRI will not result in additional impacts to the regional resources of schools and potable water. Potable water is a concurrency issue that is addressed in the Vision 2020 Comprehensive Plan and our Environmental Services Department has stated that the applicant has not provided us with sufficient mitigation to offset the increased consumption of potable water caused by the conversion of office land use to multi-family.

Ms. Deater said that staff is also in the process of completing a study of the long-term fiscal impacts of converting office land use to residential uses. This study is partly in response to the newly revised Economic Element of the Vision 2020 Comprehensive Plan, specifically Policy ECM 3.1, which directs us to shift the tax base burden away from residential to non-residential uses. This proposed amendment would shift the tax burden from non-residential to residential uses. This study is not projected to be completed until early next year.

Since the time the staff report was submitted to the Commission, we have not received any additional information from the applicant related to any of the outstanding issues.

Based upon these still existing uncertainties, staff is recommending a continuance of the proposed Major Amendment to the PUD, in order to allow the applicant time to address the outstanding issues. We are also recommending a continuance in order to allow us to complete a study of the long-term fiscal impacts of converting office land use to residential. However, should this Board choose to recommend approval of the amendment at this time, staff recommends that it be subject to the attached Second Amendment to the Third Amended and Restated Commitments, Classification, and District Description for the Heathrow International Business Center Planned Unit Development, with the following conditions:

1. That the future conversion of any office square footage to residential units shall be subject to the already existing conversion matrix based on peak hour traffic, which is part of the DRI Development Order, and an additional conversion matrix based on potable water consumption, which shall be reviewed and approved by the Board of County Commissioners;
2. That any additional residential units added in the future (up to a maximum of 1400 using the conversion matrix) shall be restricted to Tracts "C-1", "D", "O", and "P"; and
3. That any approval of additional units above the 313 already approved shall be subject to concurrency testing to ensure adequate service capacities.

Staff is recommending a continuance in order to allow the applicant time to address outstanding issues. Also, continuance is also recommended in order to allow staff to have time to complete a study of the long term impacts of converting office uses to residential use.

Commissioner Harris asked what the objections were and from what entities.

Ms. Deater stated that the School Board objected due to lack of capacity in the schools. The Regional Planning Council objected based on the potable water issue and the school capacity issue. Also, the Department of Community Affairs was objecting based on the objections of the St. John's River Water Management and the School Board.

Commissioner Harris asked for the specifics of the objections on the water and school issues.

Ms. Deater stated that included in the presentation package is a statement from Dianne Kramer of the School Board containing the computation that the addition of the 1,400 housing units would generate approximately 185 students in the public schools serviced by the elementary school Northwest Cluster, Sanford and Millennium Middle School, and Seminole High School. To demonstrate the deficit today, note the presence of 36 portables on the campuses of the elementary schools, 24 portables in the middle schools, and 18 portables in the high school.

Commissioner Dorworth said that permits would have to be obtained through the Water Management District before progressing. He asked when the redistricting would be finished in the schools.

Ms. Deater did not know anything about the redistricting.



Jim Potter, Senior Engineer with Development Review stated that the St. John's River Water Management addresses both consumptive use and storm water retention issues. The objection is on the consumptive drawing of the water from the ground. Capacities have been reduced lately for consumptive use. We are already showing a lack of capacity in this area in terms of future development. Increasing need will create a deficit.

Ms. Deater pointed out that the St. John's River Water Management was objecting to the DRI/NOPC portion of the application, not to the PUD amendment.

Commissioner Dorworth noted that the School Board has been more active in objecting to a lot of projects in recent months. They seem to have a moratorium on large projects. You cannot stop all growth in Seminole County.

Ms. Deater stated that the School Board will object to anything that converts non-residential uses to residential uses.

Commissioner Dorworth was concerned about this. He would like to know when the studies and redistricting will be over with.

Commissioner Hattaway asked if the schools were currently at capacity.

Ms. Deater read from Ms. Kramer's report saying that classroom additions were planned on several of the schools to be accomplished within the 2005 – 2006 timeframe, but even with these expansions, there is still a proposed deficit in classroom space.

Commissioner Tucker asked if there was a master consumptive use permit being applied for.

Liz Block from Environmental Services stated that the County was trying to consolidate four current consumptive permits outstanding.

Commissioner Tucker said that the Master approach would be the way to go in the future. He asked about the timeframe with such a master approach.

Ms. Block said that she did not know the timeframe, but that it had taken the Tampa area 10 years to do one. It will be a long planning process ahead of us.

Commissioner Tucker said that this was being done on the request of St. John's River Water Management. They will be assisting us on the countywide approach to planning.

Commissioner Tucker asked about the study of office and HIP land uses converting to residential. There are some 400 acres under study which are being converted office and HIP land uses to residential.

Ms. Deater said the long term fiscal impacts of conversion of office uses to residential were being studied by the County and would be available in the spring. She did not know the complete details. The goal is to have some data about the proper mix of commercial and residential for good fiscal "health" in the County.

Matt West stated that information and briefing for the Board would be available in January, but that this was an open ended approach examining the goals set forth by the BCC, such as how much land do we need to have set aside for residential uses and employment projections.

Commissioner Hattaway stated that this was an optimistic projection. It may take 2 ½ to 3 years for such work and in the meantime, this ties up the land. This postpones them from developing. It is none of our business what people do with the land.

Mr. West said that there are permitted uses on the land now and that they can go ahead and develop according to those current guidelines.

Commissioner Tucker said that such activities were the purpose of the Commission. That is why we are here. There are an entire string of properties which are slated to be developed which are creating a body of residential uses which are eliminating other types of uses, turning the County into a bedroom community.

Commissioner Harris stated that this topic could be pursued at another time and called for the applicant presentation.

Ken Wright of Shutts and Bowen represents Colonial Properties Trust. He stated that he had attended the Wekiwa Protection planning meetings. During the meetings he saw that the end result, what one is trying to accomplish should come first. He showed the Colonial Town Park area on a map, with 46A and Heathrow International Business Center, containing over 400 acres. There is office space, Colonial Grand apartments and assorted uses here. Charles McGehee was in on the assemblage of the land for this project from the beginning. He stated that they had assembled the properties and had previously met with Tony Van Der Worp, designing a first class community which has won awards as outstanding business park in 2003. This has eclipsed Winter Park Village. Success comes from a unique mix; a complex for people to live, work and play. Revitalizing downtowns occurs where people live near work; multi-family housing is revitalizing to an area. It brings people into the area. Bring density to the appropriate place. He does not need to wait 2 years. This is a

compact area where demands for service are great. We will not have the tenants with a pure office park. A mix is what brings the people in. The applicant is not an outsider who starts something and leaves. Charles McGehee has been developing a vision that mixed use is good. Restaurants and other things are necessary to make an area viable. This request is for 220 living units. We are here for a PUD amendment to add at a subsequent time 400 units.

There are no neighbors objecting, this is within a DRI and is perfectly compatible.

Mr. Wright stated that there are 3 areas of objections to this request:

First, water is an issue. He stated that the County is not short of water. When looking at future needs you look at where the resource should best be spent. We are here now. The market indicates that this mixed use is good for now. Allocations for future developments which are not yet here should not influence this request. That is counterintuitive. Deal with the future when it comes up. We are here for a PUD amendment.

The Water Management District has calculated consumptive use and Peter Brown states that there is sufficient water with the agreement to use reclaimed water and proper landscape management. The future indicates that there may be a problem in the future. You cannot put someone off because of the potential of a future problem. The water should not be denied. There must be a policy decision made on this. Hank Fishkind will come to conclusions some time in the future. We are here now.

Pertaining to schools, Dianne Kramer is not here to respond. Mr. Wright stated that Ms. Kramer and Mr. Vogel have told him in a telephone conference that there was no capacity issue. He will invite Ms. Kramer and Mr. Vogel to speak to the BCC. We were told to pay 125 % of the impact fees to mitigate the problem.

This is the product of years of work. You cannot hold us hostages of the school board. Where would the money go? Impact fees are designed to off set the impact of the unit. If we are building 290 units there is a specific fee for this. The board is objecting to the multi-family units. They are protecting the quality of education. He stated again that there is no school issue. The School Board must establish clearer goals.

Mr. Wright said that he has demonstrated compatibility, and that water resources and school board issues should not hold back the project.

The Chairman called for public input. There was none.

In Board discussion, Commissioner Dorworth stated that to hold Colonial Properties accountable for the County not having enough office space, when they have 2 million square feet there does not make sense. The school board

issue threatens to stop growth until the Boards straightens things out. We cannot hamper the Colonial Properties from doing business in our county.

Commissioner Harris asked Mr. Wright to talk about the total acreage in the Heathrow HIBC project.

Charles McGehee stated that there was a little over 400 acres in the HIBC project and about 175 acres in neighboring the Colonial Towne Park project with 3 million square feet of office space.

Commissioner Harris said that the contention now is concerning 14 acres of this world class development. This is a development that we can be proud of, that is well built and doing all of the things that we started planning twenty years ago. Planning has changed through the years. People do not want to drive 20 miles to work. Things must change with the times. Mixed uses create vibrant communities. We should change with the times. The issues that have risen should not put the project on hold. They will always be around.

Commissioner Tucker noted that there is no school site here. The impact fee may not be fair. Shops and restaurants are here now. This should not be accomplished at the expense of those who are here now. We must consider the cost of water plants that will be needed and issues that exist now. Issues must be resolved. This is not a private property rights issue. We do not have the answers to what this project will do to us now. It is not just the problem of the applicant. This is a countywide problem. He is not willing to move on anything but the change in name. The rest of the application should be put on hold as per staff recommendation.

**Commissioner Tucker made a motion to recommend approval of item number 1, the change of name, and to put the rest of the request on hold as per staff recommendation.**

**The motion died for lack of a second.**

Commissioner Harris referenced a statement from Peter Brown from the St John's River Water Management District dated August 4 which said that reclaimed water use will answer the problem of consumptive use.

**Commissioner Dorworth made a motion to recommend approval of the request including all 5 stipulations on page 2 of the staff report.**

**Commissioner Hattaway seconded.**

**The vote was 5 – 1 in favor of the motion.** Commissioner Tucker dissented.

**F. Aloma Office Center; Lutheran Haven, Inc., applicant;** approximately 2.82 acres; rezone from A-1 (Agriculture District) to RP (Residential Professional); located on the east side of W SR 426, approximately 660 feet south of W. Chapman Road. (Z2004-028)

Commissioner Maloy - District 1  
Tina Deater, Senior Planner

The subject property is approximately 2.8 acres, and is located on the east side of W. SR 426, approximately 650 feet south of W. Chapman Road.

The applicant is requesting the rezone from A-1 to RP, in order to build a three-building office complex with a total of approximately 17,000 square feet of office. The future land use designation of the subject property is Medium Density Residential (MDR), which allows the proposed RP zoning classification.

Staff recommends approval of the rezone from A-1 to RP, subject to the attached development order, site plan and architectural renderings.

Ray Crawford was present from Engineering Design Group to represent the applicant.

Commissioner Tucker asked if there was any access to Church Street.

Ms. Deater stated that access was only on 426. A masonry wall would be required.

Commissioner Tucker stated that Church Street was an unpaved road which generates a lot of dust to the area. Commissioner Tucker asked if a statement could be placed in the Development Order that the owners would have to correct the dust coming off of Church Street.

Mr. Crawford stated that he would not fix a public right of way.

Commissioner Tucker stated that he wanted the applicant to be aware of the dust problem in the area.

**Commissioner Bates made a motion to recommend approval with the conditions contained in the staff report.**

**Commissioner Dorworth seconded the motion.**

**The motion passed by a vote of 6 – 0.**

**G. Line Drive / Sutherland Management Rezone; Sonny Sutherland, applicant;**

Approximately 1.38 acres; rezone from RP to RP for office use; located on the east side of Line Drive, 500 feet south of Sand Lake Road.  
(Z2004-046)

Commissioner Van Der Weide - District 3  
Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the applicant, Sonny Sutherland, is requesting a rezoning from RP (Residential Professional) to RP on a property of approximately 1.38 acres located on the east side of Line Drive, approximately 500 feet south of Sand Lake Road.

The site of this request is an existing RP property containing a 3,560 square foot office building on the south and a 6,600 square foot warehouse structure on the north, left over from a previous use. The property was rezoned to RP in 1985 with a very simple site plan and a list of approval conditions that addressed landscaping, buffering and phasing out of nonconforming uses.

The applicant has now submitted a detailed site plan addressing these conditions and other code requirements. Under the new site plan, approximately 16,000 square feet of pavement would be removed to create additional green space.

The existing continuous strip of pavement along the Line Drive frontage would be reduced to a 24-foot entrance drive, which will increase traffic safety and make it possible to provide landscape buffers along the road.

Also, a masonry wall will be provided adjacent to residential developments to the east and south.

Upon approval of the site plan, the applicant would use the south building right away in approximately its current condition.

The north building would be renovated for office use at a later time, but staff recommends that the applicant provide elevations showing proposed architectural enhancements. These elevations would be presented to the Board of County Commissioners prior to occupancy of that building

Mr. Hopper stated that staff recommends approval of the request subject to the conditions listed in the staff report, including the following:

- A 6-foot brick or masonry wall and 25 foot landscape buffer shall be provided along the south and east property lines
- Pavement removal shall include the existing sub-base, with these materials to be replaced with clean fill
- Business hours shall be restricted to 7 a.m. – 9 p.m. Monday through Friday

- The applicant shall provide elevations showing architectural enhancements, to include removal of roll-up doors and installation of windows on the east and west sides of the building. These elevations would be presented to the Board of County Commissioners for approval prior to occupancy.

Commissioner Hattaway asked about the reasoning for having restricted hours.

Mr. Hopper stated that such things help make the project compatible with the neighborhood.

Commissioner Hattaway asked if office people could come in and work on weekends.

Mr. Hopper said they could do so.

Commissioner Tucker asked about the synagogue property to the north.

Mr. Hopper stated that the synagogue is part of the Stockridge PUD from the 1980's. The extra parcel allowed for parking.

Commissioner Tucker asked Mr. West if he had gotten information on the request for parking for the synagogue.

Matt West stated that he had not found out anything. That would be relevant to Mr. Botee's application for the adjacent parcel, not this application.

Commissioner Harris stated that the parcel was a Musselwhite Egg Plant. Changing from RP to RP refers to a use that is already there. To restrict hours is questionable. Any improvements are a plus. Changing an empty warehouse to office is a plus.

John Reynolds from American Civil Engineering stated that the site has been dormant for 30 years. A development will improve the neighborhood.

Mr. Reynolds stated that he does not want to have a CMU masonry wall. He will use a new product. Please change item "B" to read "masonry type wall."

As for item "G" Mr. Reynolds stated that he anticipates people using the building on weekends.

Pertaining to Item "J": parking lot lighting will be on a timer to provide for security.

Commissioner Dorworth asked if the language pertaining to the wall is from the County Land Development Code.

Matt West stated that is was from the Code. He stated that Michael Rumer, Planner with Development Review, had briefed the BCC on the merits of prefabricated walls, stating that they were permitted.

Commissioner Dorworth asked about the allowable hours of operation.

Mr. West stated that incidental use should be allowable on weekends.

Commissioner Hattaway asked about the masonry wall on the south and east with the placement of a 25 foot buffer.

Mr. West stated that the existing building is encroaching into the buffer.

Commissioner Tucker asked if the existing wooden fence would be replaced.

Mr. Reynolds stated that the wooden fence would be replaced.

Mr. West stated that a large amount of surface pavement was to be removed, which will help with area drainage.

There was no public input.

**Commissioner Tucker made a motion to recommend approval as requested, without the hours of use time constraint, adding the word masonry “type” wall, and the stipulation that exterior lighting will be on timers.**

**Commissioner Bates seconded the motion.**

**The motion passed 6 – 0.**

**H. International Parkway Village; Nations Investment Group/ CPH Engineers, Inc., applicants; approximately 1.63 acres; rezone A-1 to PUD; located on the southeast corner of International Parkway and Wayside Drive. (Z2004-043)**

Commissioner McLain – District 5  
Jeffrey Hopper, Senior Planner

Jeff Hopper stated that the applicants were requesting a rezoning from A-1 (Agriculture District) to PUD (Planned Unit Development) on the parcel of approximately 1.63 acres which is located at the southeast corner of International Parkway and Wayside Drive. The applicant is seeking approval for two office buildings on the site, approximately 5,000 and 11,000 square feet in size.



The site is located in the HIP – Target Industry future land use designation, and the proposed office use is consistent with the Vision 2020 Plan.

Access into the site would be directly from International Parkway, and the property lies opposite the future location of Savannah Park, a planned mixed use development that will increase development intensity in the immediate area.

The site is not directly adjacent to residential future land use or zoning, but there are existing single family homes in A-1 on neighboring parcels to the east and south. Conditions of approval should include adequate buffering to ensure compatibility with these properties. While the neighboring property to the south now has a residential use, more development of an intense, non-residential nature is anticipated along International Parkway. Therefore, the site should be designed to facilitate cross access with the adjoining lot to the south.

Staff recommends approval subject to conditions listed in the staff report, including the following:

- Permitted and special exception uses as allowed in the OP district
- A 6-foot PVC fence adjacent to existing residential properties, together with a minimum of 4 canopy trees per 100 feet
- The entrance to the site should be located at the south property line, with the applicant providing for joint access or cross access with the property to the south
- Building elevations should be provided at Final Master Plan for review by the Board of County Commissioners.

Commissioner Tucker stated that this could be adjacent to the future Wekiva Parkway.

Mr. Hopper stated that he has no information that the location has been chosen or funded at this time. Construction will be years in the future.

Commissioner Tucker stated that Wayside Drive has been promoted as an I-4 tie in to the Wekiva Parkway.

Commissioner Harris observed that there were a lot of restrictions with this. Were all of them necessary in a HIP district? The applicant is asking for a PD with commercial development.

Matt West stated that the conditions consider future uses. The water issue will be dealt with at another stage of planning. Items “D” and “E” are in the Code. The BCC is promoting mentoring for the sake of tree preservation.

Commissioner Dorworth asked about item “I” and the provisions pertaining to adjacent residential uses.

Mr. West explained that eventually the adjacent residences will sell and be converted to office use. We should state that the buffering provisions are temporary.

Commissioner Harris stated that conditions pertaining to the buffering of adjacent residential uses should be identified and labeled as temporary.

Jim McMullen of CPH Engineers, Sanford, asked the commissioners to reconsider item I. The driveway as it is placed now is to accommodate the maximum traffic flow for the two parcels and two buildings, labeled "A" and "B". To require the driveway to be moved will place a hardship on the parcel's design.

Commissioner Harris asked why condition "I" was being required.

Matt West stated that it was desirable to have the exit as far away from the signalized intersection as possible and also to reduce curb cuts. Commissioner Harris asked if the County was not constraining the ultimate design of the other parcels to the south?

Mr. West said that at the minimum the County should require access in the southwest corner of the parcel.

Commissioner Harris observed that the focal point of the project is in the middle of the parcel.

Mr. McMullen stated that he could not get cross access from a private residential owner.

Commissioner Harris asked if the County could make provision for possible cross access in the future.

Mr. McMullen stated that he needed that area of the site for parking and a dumpster. He is using the total site now and needs the parking spaces. The separation between the intersection and the drive aisle is 280 feet and meets criteria for a right in and right out access now.

Commissioner Tucker asked if Katy Street was public or private street.

Mr. West stated that it is a private easement.

Commissioner Tucker stated that if it were public street, they could use it with a curb cut placed on it.

Mr. McMullen said that he was within 10 feet of the current curb cut now. Putting a drive aisle there now would take out most of the existing trees. Provision to save

25 percent of the trees is required. Trees are clustered in the southwest corner now.

Commissioner Hattaway asked if the County could request a communal easement to link up with an easement that is there now.

Mr. West stated that the easement for the remaining undeveloped properties was probably going to be optimized in the future development. For now the best recommendation was to keep the curb cut as far from the intersection as possible. There is no median cut there now.

There was no public input on this item.

Commissioner Tucker stated that what is being requested conforms, and he feels that the project should be allowed.

Jim Potter from Development Review Division stated that the County was trying to move the access as far from the intersection as possible to keep traffic moving. In the future, the dumpster could be moved to two parking spaces down the way, to allow for the access with the other parcels.

Commissioner Tucker asked Commissioner Bates about the moving of the access to the southwest corner. Would this not be impeding the current applicant from optimizing the use of the property?

Commissioner Bates said it would be.

**Commissioner Tucker made a motion to recommend approval with staff recommendations and the existing site plan, deleting item "I."**

**Commissioner Bates seconded the motion.**

**The motion passed unanimously (6 – 0).**

**I. Sunlake PUD Major Amendment / Amber Lake Townhomes; CPH Engineers / Mike Urchuk, applicant; approximately 9.68 acres; Major Amendment to the Sun Lake PUD (Planned Unit Development); located on the south side of SR 434, approximately 0.2 mile east of US 17/92. (Z2004-034)**

Commissioner Morris - District 2  
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant is proposing a major amendment to the Sunlake PUD, first approved in 1987. This property was designated for commercial use on the original plan, and is now proposed for residential use.

The site plan submitted by the applicant shows 89 townhouses at approximately 13 units per net buildable acre.

Access into the site would be through an existing shopping center entrance on SR 434. Although it leads into commercial parking, this entrance is actually part of the subject property, along with an 80 foot wide section of the parking lot.

Conceptually, Staff has no objection to the proposal of townhouses at this location. They would be compatible with the existing commercial to the east and an apartment complex to the south, both of which are part of Sunlake PUD. Also, the applicant's site plan shows adequate setbacks and open space to act as a buffer against the Low Density Residential in that direction. But while the use itself is acceptable, the site plan still presents some problems.

Mr. Hopper said that the staff report indicates several issues that had not been resolved at the time the report was written. These included:

- adequate usable common open space
- location of wetland boundaries and buffers
- street design
- guest parking

Since the report was written, a new plan revision has settled the open space and wetland issues. However, guest parking remains a major concern. The applicant has shown guest parking within the shopping center lot on the east edge of the site. However, only 6 spaces are shown internal to the townhouse development. Aggravating the problem of limited guest parking is the proposal for a 22-foot street pavement width, which will limit on-street parking. The normal requirement is 24 feet. Staff's concern is that visitors could be forced to walk several hundred feet from legitimate parking spaces, or else park in the street and interfere with traffic flow.

Based on this concern, staff recommends denial of the request, or continuance to a future meeting.

Jim McMullen stated that most Code requirements have been met. Only one issue remained: parking. Parking for 53 will be in the adjacent shopping center. We will continue to work with staff to find additional parking. We would like approval with the provision that the parking be resolved with staff and to move the project forward.

There was no public comment.

Commissioner Dorworth asked what other outstanding issues remained on the part of Staff.

Matt West stated that safety issues remained. Access to fire and other emergency vehicles must be considered. 24 foot wide roads are standard. These are townhouses with 20 foot of frontage, a one car garage and one place in the driveway, which will cause a lot of on street parking. Fire trucks would need to get through the roads.

Commissioner Bates asked for the access points to be pointed out.

Mr. West pointed to two points of access

Commissioner Harris stated that this will have 40 town homes on a 22 foot street.

**Commissioner Dorworth made a motion to continue this item to the November 3, 2004 meeting.**

**Commissioner Hattaway seconded the motion.**

**The motion passed unanimously.**

**J. Creekside PUD Major Amendment; BLR Investments, Bobby Luthra, applicant;** approximately 66 acres; Major Amendment to Creekside PUD to permit townhouses; located on the south side of CR 427, adjacent to the west side of SR 417. (Z2004-040)

Commissioner McLain - 5  
Jeff Hopper, Senior Planner

Mr. Hopper introduced the application stating that the applicant is proposing 186 townhouse units in Creekside, a PUD first established in the 1980s. The portion of this PUD now in question is currently approved for commercial use. Because much of the site consists of wetlands and lake areas, density is relatively low, approximately 4.4 units per net buildable acre. The property includes 21 acres of wetlands and a 26-acre borrow pit that will become a water amenity.

The site is adjacent to Ronald Reagan Blvd. on the north and the Central Florida Greenway on the east. Sanford Place subdivision lies to the southwest across Six Mile Creek, with the closest of the proposed townhouse units being approximately 300 feet away from homes in that development.

Staff's only concern over compatibility relates to the adjacent parcel immediately to the west and fronting on Ronald Reagan Blvd. The lot is in Low Density Residential and is limited to single family use. The applicant addresses this issue through a 50-foot setback and 6-foot PVC fence along the common lot line.

The staff report indicates several unresolved issues raised by the Development Review Committee, including common open space, sidewalks and buffering.

One of our primary concerns in the report was with providing adequate recreational amenities in the development, but the applicant is now addressing that by proposing a swimming pool/clubhouse facility.

Other concerns noted in the report are providing sidewalks adjacent to all units, and constructing a 6-foot brick or masonry wall adjacent to the LDR property on the west.

Since the report was transmitted to the commission, staff has had further discussions with the applicant. We now recommend approval of the request subject to the list of conditions provided in the staff report. These include:

- Sidewalks adjacent to all dwelling units to provide continuous pedestrian access throughout the development
- Balconies to be prohibited on units facing the west property line
- 50-foot setback and 6-foot brick or masonry wall adjacent to the LDR parcel to the west

Commissioner Bates asked what the price of the units would be.

Charlie Madden of Madden Engineering stated that the price would be about \$150,000.00. Previously the site was zoned PUD, but the Expressway came through and the zoning was changed to accommodate a borrow pit. Mr. Madden stated that he concurred with staff. The borrow pit was man made and nothing drains into it directly. There are pre-treatment ponds. There will be a swimming pool and a tot lot, along with a 10 foot jogging trail along the perimeter.

Mr. Madden stated that item D, he would like the sidewalk on one side of the road. He cited Wilshire Townhomes as an example of a plan having only one sidewalk along the internal roads. With item G, there is 150 feet to the nearest house. 6 Mile Creek is surrounded by wetlands. This will not be practical. He would like to have PVC fencing on the west side. With item I, Mr. Madden stated that he would like to change the wording of the lighting on the porches.

Commissioner Tucker asked about the depth of the borrow pit.

Mr. Madden stated that it is 21 feet deep.

Commissioner Tucker asked about the slope to the lake.

Mr. Madden did not know, but assured the Commissioners that he would be doing everything according to the Code. He stated that the tot lot he planned would be similar to the one by Lake Lilly.

Commissioner Tucker was concerned about the safety of the children with the tot lot and its proximity to water.

Nancy Alava stated that she would like to have the wildlife surveyed, since there were eagles nesting in the area.

Commissioner Harris told Ms. Alava that this was always done.

John Zahradnik was also concerned with the presence of eagles. They live behind his house. Also there is much flooding in the area. The temporary roads there now drain into his property. There are wetlands on the property which flood with normal rains. He was concerned about 6 Mile Creek.

Mr. Madden said that there is an eagle on the property. The 750 foot radius near the nest will be honored. He had not cut any roads or culverts onto the property.

He could not say that the water will not drain into 6 Mile Creek. A retention pond will drain into the borrow pit. He said that they would divert a section around 6 Mile Creek where there is flooding.

Commissioner Dorworth asked about the size of the units.

Mr. Madden stated that the smallest unit was 1,320 square feet.

Ron Hiebert of 648 Monroe Harbor stated that he sees the eagle all of the time near the area designated for the pool.

Commissioner Harris stated that the wild life regulations were met, or they would not be allowed to build.

Commissioner Dorworth said that the County was concerned with the wild life and that flooding was a serious consideration.

Commissioner Dorworth noted that the staff had received a fax from the Mixon's indicating that this was low income housing. This would not be low income housing.

**Commissioner Dorworth made a motion to recommend approval with the following conditions: sidewalks to be on one side of the internal road, a PVC fence on the west perimeter, and the lights would be allowed on the back porches.**

**Commissioner Eismann seconded the motion.**

**The motion passed unanimously.**

### **Planning Manager's Report:**

Matt West reminded the Commissioners about the upcoming Charter Amendment on the November 2 ballot.

Commissioner Tucker brought up the question raised earlier in the meeting concerning continuance if the applicant had not been noticed. The recent case from the Board of Adjustment felt that they had not been adequately noticed. Mr. Schneider, attorney who handles the Board of Adjustment, feels that the sites should be reposted, readvertised, and renoticed.

Mr. West said that more research is needed on this issue. The case referred to had been continued and the staff had not told the applicant it was being continued. The applicant did not come to the next hearing and the application was denied. The applicant did not find out about any of this until after the appeal period had gone by. Mr. West felt that in fairness this item should be reheard. Mr. West stated that continuing an item to a date certain is done to avoid re-advertising and reposting and noticing an application. This will have to be examined in light of Mr. Schneider's ruling that the cases must be reposted, advertised and noticed when continued.

Mr. West reviewed a slideshow presentation of the Charter Amendment to be on the ballot November 3. If approved the eastern third of the county will be placed in the Charter as rural area. In an analysis of county land use, half the county is in low intensity land use. The goal is to protect natural resources and restrict development to keep urban service demand low.

By 2020 the projected population of the County will be 497,648. The Board of County Commissioners believes that rural areas are important. There are now 13,300 acres of environmentally sensitive lands now protected. More and more people are making moves to urbanize the rural areas.

The cities do not like the amendment.

This amendment will create checks and balances and help keep the rural character. The Commissioners are accountable. The County will have one plan for everything.

Commissioner Bates asked how far the County's authority reached if a city wants to annex a property.

Mr. West stated that this amendment does not change people's right to annex. It also does not change the status of previously annexed property. Some city property is within the rural boundary. The idea is not to expand the rural areas.

This concluded the presentation.



There being no further business, the meeting adjourned at 10:45 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson  
Senior Staff Assistant